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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,850	03/29/2004	Robert E. Carlson	14095.1USI2	3459
23552 7590 03/19/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER SHIBUYA, MARK LANCE	
			ART UNIT	PAPER NUMBER
			1639	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/812,850	Applicant(s) CARLSON, ROBERT E.	
	Examiner Mark L. Shibuya, Ph.D.	Art Unit 1639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,7 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 10-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application No. 10/812,850 (20050037428 A1): Claims 2, 3, 6, 7, 10-30 are pending.
2. Claims 10-30 are newly added since the previous Office action.

Election/Restrictions

3. It is respectfully noted that applicant, in the Reply, entered 12/05/2006, and the Supplemental Reply, entered 12/08/2006, both to the previous Office action, (i.e., the Requirement for Election/Restriction, mailed 10/6/2006), that applicant elected, with traverse, the Invention of Group III, (claims 2, 3, 4, 6 and 7). Applicant also elected species, which were species of building blocks; supports as including any functional group for immobilizing to the building block, such that coupling occurs between a functional group on the support and on a linker; and coupling by hydrophobic interaction. Applicant stated that claims 2, 3, 6, 7, 10, 11, 16-18 and 23-25 read on the elected species. Applicant's traversal will be addressed in the first action on the merits.

New Requirement for Election of Species

4. This requirement is necessitated by applicant's amendments to the claims, wherein claims 10-30 are newly added. Therefore, a further requirement for election of species is warranted and proper.

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5. This application contains claims directed to the following patentably distinct species: A first and a second lipophilic moiety. Applicant must specify as to an ultimate species, and explain how the claims read upon the ultimate species (for example "substituted C₆₋₃₆ alkenyl with 1 to 4 double bonds"). The species are independent or distinct because they different molecular structures that result in materially different design, mode of operation and function.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 2, 3, 6, 7, 10, 11, 16-18 and 23-25 are generic.

6. This application contains claims directed to the following patentably distinct species: A first and a second covalent bonding moiety. Applicant must specify as to an ultimate species, and explain how the claims read upon the ultimate species (for example, "amine nitrogen"). The species are independent or distinct because they different molecular structures that result in materially different design, mode of operation and function.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 2, 3, 6, 7, 12, 13, 16, 23 and 26-28 appear to be generic.

The examiner respectfully notes that the instant species are not limitations within the claims that read on elected species of hydrophobic interaction. However, this requirement is made in the interest of compact prosecution, as the claim limitations are seen now for the first time, and as the elected species of hydrophobic interaction may be found to be free of the prior art.

7. This application contains claims directed to the following patentably distinct species: A first and a second charged moiety. Applicant must specify as to an ultimate species, and explain how the claims read upon the ultimate species (for example, "carboxylate"). The species are independent or distinct because they different molecular structures that result in materially different design, mode of operation and function.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 2, 3, 6, 7, 14-16, 21, 22, 23, 26, 29, 30 appear to be generic.

The examiner respectfully notes that the instant species are not limitations within the claims that read on elected species of hydrophobic interaction. However, this requirement is made in the interest of compact prosecution, as the claim limitations are seen now for the first time, and as the elected species of hydrophobic interaction may be found to be free of the prior art.

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8. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

9. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of

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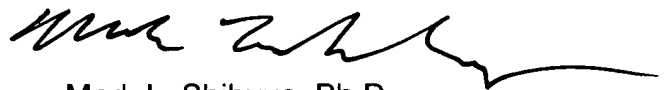
record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Shibuya, whose telephone number is (571) 272-0806. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. James Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark L. Shibuya, Ph.D.
Primary Examiner
Art Unit 1639